

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-11 and 14-20 are presently active in this case, Claims 1-2, 4-5, 14-15, and 20 having been amended and Claims 12-13 having been canceled by the present amendment.

In the outstanding Official Action, the Specification was objected to as not being in proper idiomatic English; Claims 1-20 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement; Claims 1-20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; Claims 1-6, 9, 11-16, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, et al., USP 6,665,342 (hereinafter Brown) in view of Pan, et al., USP 6,785,329 (hereinafter Pan); Claims 7, 8, 10 and 17-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Pan and Clapper, et al., USP 6,925,602 (hereinafter Clapper).

First, Applicants respectfully traverse the requirement to file a substitute specification, because in Applicants' view the present specification is in idiomatic and grammatical compliance with the MPEP. If the Examiner disagrees, it is requested that specific non-idiomatic passages in the specification be identified, as none are identified in the outstanding Office Action. Furthermore, since no allowable subject matter has been indicated, if the requirement is renewed, it is respectfully requested that any such requirement be held in abeyance until such time as allowable subject matter is indicated.

In response to the rejection of Claims 1-20 under 35 U.S.C. 112, first and second paragraphs, the claims have been amended to clarify the claimed invention consistent with the original disclosure. Support for the changes to the claims is found at page 13, lines 20 to

page 14, line 3; page 11, second paragraph; and page 15, lines 13-17 of the specification. No new matter is believed to have been added. In view of the present claim amendments, the grounds for rejection under 35 U.S.C. 112, first and second paragraphs, are believed to have been overcome.

In view of the clarification to the claimed invention as provided by the present amendment, it is respectfully submitted that the grounds for rejection under 35 U.S.C. 103(a) have been overcome, as next discussed.

Brown discloses a method for producing a still image from a digital video sequence by a computer system executing a strobe process. Claim 1 provides an object extracting method including, in part, the step of setting an overwrite enable mode and an overwrite disable mode to the frame in units of one frame according to performance of the alpha data, the overwrite enable mode being for permitting overwriting and the overwrite disable mode for inhibiting overwriting, as discussed in the specification at page 13, lines 20 to page 14, line 3. Similar features are stated in independent Claims 14 and 20.

The outstanding Office Action finds that Brown at column 5, lines 10-25 teaches “setting manually one of an overwrite enable mode and an overwrite disable mode to the alpha data.” Brown teaches that the segmentation mask records the locations in which relevant motions have occurred in a well known fashion similar to the use of an alpha channel in digital video hardware, and setting the starting frame, the end frame, the frame sampling time interval or step size for enabling/disabling or filtering the frames allowing the detection of relevant motions to be performed on the moving object within the frame. However, it is respectfully submitted that Brown does not teach the claimed step of setting an overwrite enable mode and an overwrite disable mode to the alpha data in units of one frame according to performance of the alpha data (well alpha data).

The outstanding Office Action cites Pan as disclosing a method for extracting an object from a video image including an object and a background, including: setting manually one of an overwrite enable mode and an overwrite disable mode to the alpha data. It is respectfully submitted that Pan discloses an automatic video object extraction including the step of performing color segmentation on a frame of a source video to segment the video by substantially uniform color regions. Pan describes that the frame interval is adapted according to the estimated motion and where the motion of moving objects is minimal the interval of two frames is adapted and for a fast motion field, the interval can be set small and for slow motion the interval is set large. However, it is respectfully submitted that Pan fails to disclose or render obvious the claimed step of setting an overwrite enable mode and an overwrite disable mode to the alpha data in units of one frame according to performance of the alpha data. According to the claimed invention, for example, a frame or frames at an interval during which object extraction has succeeded are set at the overwrite disable mode, and a frame or frames at an interval during which the other object extraction has not succeeded is set at the overwrite enable mode, as described in page 11, second paragraph, of the specification. Accordingly, it is respectfully submitted that neither Brown nor Pan, alone or in combination, render obvious the claimed invention, and further, that the deficiencies of these references are not remedied by Clapper. Accordingly, withdrawal of the outstanding grounds for rejection is believed to be in order and is respectfully requested.

Consequently, in view of the present amendment and in light of the above comments, no further issues are believed to be outstanding, and the present application is believed to be

in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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